

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MATTHEW RAYMOND SCHROEDER,

Defendant.

4:18CR3161

ORDER

On April 23, 2019, Defendant filed a motion to suppress, (Filing No. 25). Although the pretrial motion deadline was March 25, 2019, the government will not be objecting to Defendant's motion to suppress as untimely. Upon review of the motion, the court finds an evidentiary hearing is necessary.

Accordingly,

IT IS ORDERED:

- 1) The trial of this case, currently set to begin on May 6, 2019, is continued pending a ruling on Defendant's motion to suppress.
- 2) The time between the deadline for filing a pretrial motion and the untimely filing of Defendant's motion to suppress, the time between March 25, 2019 and April 23, 2019, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

April 24, 2019.

BY THE COURT:
s/ Cheryl R. Zwart
United States Magistrate Judge